

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE**

Christopher J. Boggs)	
)	
Plaintiff,)	CIVIL ACTION NO: 3:16-cv-00046
)	
v.)	
)	
Javitch Block & Rathbone, LLC)	
)	
Defendant.)	
)	

MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM

Now comes Defendant Javitch Block, LLC, (hereinafter referred to as “Javitch” or “Defendant”), by and through counsel, and moves this Honorable Court pursuant to Fed. Civ. R. 12(b)(6) to dismiss Plaintiff Christopher J. Boggs’ (hereinafter “Boggs” or “Plaintiff”) Complaint for failure to state a claim upon which relief can be granted. Plaintiff’s allegations are numerous, but they are all barred as a matter of law, and must be dismissed. A memorandum in support of this motion is filed herewith and incorporated as if fully stated.

Wherefore, Defendant prays that this Court dismiss this case with prejudice for failure to state a claim upon which relief can be granted.

JAVITCH BLOCK, LLC

By:	_____ <i>s/Leslie Tentler Ridings</i>
	Leslie Tentler Ridings
	<i>TN BPR No. 019621</i>
	HUNTER, SMITH & DAVIS
	1212 North Eastman Road
	P.O. Box 3740
	Kingsport, TN 37664
	Tel: (423) 378-8828
	Fax: (423) 378-8801
	<u>ltridings@hsdlaw.com</u>

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Motion to Dismiss for Failure to State a Claim** has been filed electronically this 26th day of February, 2016. Notice of this filing will be sent by operation of the Court's electronic filing system to the following:

William M. Kaludis, Esq.
SHIELD LAW GROUP
1320 2nd Ave. S.
Nashville, TN 37210
Counsel for Plaintiff

HUNTER, SMITH & DAVIS, LLP

s/Leslie Tentler Ridings